

#51

Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

I, Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to attention Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Dated: September 10, 2003

Name of Person Certifying: Peggy Nichols

Printed Name: Peggy Nichols

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas A. Silvestrini

Examiner: David H. Willse

Filing Date: July 15, 1996

Group Art Unit: 3738

Serial No.: 08/596,221

Title: SEGMENTED PLIABLE INTRASTROMAL CORNEAL INSERT

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

SEP 17 2003

TECHNOLOGY CENTER H3700

NOTICE OF APPEAL AND PETITION FOR A THREE
MONTH EXTENSION OF TIME

Sir:

A Final Office Action was issued by the U. S. Patent and Trademark Office on March 18, 2003, in connection with the above-identified application. A response to this final action was due June 18, 2003. Enclosed is a Petition For A Three Month Extension of Time, and our authorization to pay the fee due. In view of the filing of this Petition, the subject application is pending today.

Applicants hereby appeal to the Board of Appeals from the decision dated March 18, 2003 of the Examiner finally rejecting claims 23, 24, 28, 30-37 and 40-43. The items checked below are appropriate.



Appeal Fee:



Large Entity Fee of \$330.00; or



Small Entity Fee of \$160.00.



Applicant(s) claim Small Entity Status under 37 CFR § 1.27.



Petition for Extension of Time (3 mos.)



Petition for Extension of Time Fee \$465.00



Return Postcard.

09/16/2003 DTESSEM1 00000101 502518 08596221

02 FC:2401 160.00 DA



Payment of Fees



Enclosed is Check No. _____ in the amount of \$_____.



Please charge Deposit Account No. 50-2518, in the amount of \$625.00 to cover the above-fees referencing billing reference No. 2023915-700.

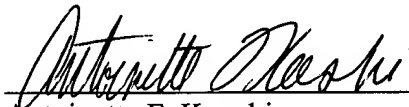


The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2518, referencing billing reference No. 2013761-7004204001.

DATE: September 10, 2003

Respectfully submitted,

By: _____



Antoinette F. Konski

Registration No.: 34,202

Bingham McCutchen LLP
Formerly McCutchen Doyle Brown & Enersen, LLP
Three Embarcadero Center
San Francisco, California 94111
Telephone: (415) 393-2000
Telefax: (415) 393-2286